United Nations CRPD/C/EU/Q/1

Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of the European Union*

A. Purpose and general obligations (arts. 1–4)

General obligations (art. 4)

1. Please provide the intended timescale for ratification by the European Union of the Optional Protocol to the Convention.

2. Please indicate what steps the European Union is taking to develop a strategy on the implementation of the Convention within the European Union, including in all its institutions.

3. Please indicate what practical initiatives the European Union is taking to ensure the understanding and use of the human rights-based approach to disability at all levels of European Union policymaking and implementation within the European Parliament, the European Commission, the Council of the European Union, the Court of Justice of the European Union, and European Union agencies and consultative bodies.

4. Please clarify whether there are any plans to incorporate references to the barriers persons with disabilities face into the definition of "activity limitation" used in the European Union Statistics on Income and Living Conditions (CRPD/C/EU/1, para. 16).

5. Please explain whether the denial of reasonable accommodation for persons with disabilities constitutes a prohibited act of discrimination under European Union legislation outside the scope of employment, in all areas of participation.

6. Please indicate what practical initiatives the European Union is taking or planning to take to ensure that all new and existing legislation, regulations and policies are systematically harmonized with the Convention. How is the Impact Assessment Board obliged to ensure compliance with the Convention in its opinions?

7. Please explain how the European Union ensures and financially supports the close and independent consultation and active involvement of representative organizations of persons with disabilities in developing and implementing all European Union decision-making processes.

* Adopted by the pre-sessional working group at its third session (20–24 April 2015).

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

8. Please provide follow-up information on the outcome of the several infringement procedures against member States for the incorrect implementation of Council Directive 2000/78/EC referred to in paragraph 38 of the initial report.

9. Please provide the intended timescale for the adoption by the Council of the additional equal treatment directive to extend the existing European Union anti-discrimination legal framework to areas outside the field of employment, referred to in paragraph 40 of the initial report.

Women with disabilities (art. 6)

10. Please indicate what measures have been taken to carry out recommendations to tackle intersectional discrimination on the grounds of gender and disability covering education, employment, poverty, health, violence, forced sterilization and access to justice (ibid., para. 180).

Children with disabilities (art. 7)

11. Please indicate what measures have been taken to tackle challenges in the practical implementation of legal provisions resulting in obstacles faced by children with disabilities in their day-to-day life (ibid., para. 195).

Awareness-raising (art. 8)

12. Please indicate what practical and systematic awareness-raising and training initiatives the European Union has taken since its ratification of the Convention to ensure that the Convention is known and used at all European Union levels and within all institutions and agencies, including the European Economic and Social Committee and Committee of the Regions.

Accessibility (art. 9)

13. Please indicate what monitoring mechanisms are in place to ensure the implementation of accessibility requirements for goods and services (ibid., para. 47), public procurement procedures (ibid., para. 48), public transport (ibid., para. 53) and information and communication (ibid., paras. 55–60). Please provide information on the application of sanctions against those who fail to ensure accessibility in the above-mentioned areas.

14. Please provide the intended timescale for adoption by the European Union of a European accessibility act, referred to in paragraph 51 of the initial report. How is the European Union actively involving the representative organizations of persons with disabilities in this regard?

Situations of risk and humanitarian emergencies (art. 11)

15. Please explain how the Directorate-General for Humanitarian Aid and Civil Protection ensures that humanitarian aid and relief from the European Union are inclusive of and accessible to all persons with disabilities. In particular, please provide information on refugees with disabilities in the European Union.

16. Please indicate what measures have been taken to make the Europe-wide emergency single call number (112) accessible to all persons with disabilities, especially those who are deaf or hard of hearing.

17. Please clarify whether there are protocols in place for the protection of all persons with disabilities, including those with communication difficulties, in the event of a natural disaster or in other situations of risk or humanitarian emergencies. If so, to what extent have persons with disabilities and their representative organizations been actively participating in all steps and procedures of those protocols?

Access to justice (art. 13)

18. Please explain how the European Union will ensure the implementation of European Union legislation on access to justice in compliance with the Convention, and that the mandates, rules, procedures and practices of the European Court of Justice, the European Union Agency for Fundamental Rights and the European Ombudsman are in line with the Convention.

Freedom from exploitation, violence and abuse (art. 16)

19. Please indicate what monitoring mechanisms are in place to ensure the implementation of the directives referred to in paragraph 84 of the initial report. Please provide information on how women and girls with disabilities are included in European Union programmes and legislation on violence against women.

Protecting the integrity of the person (art. 17)

20. The study entitled "Discrimination generated by the intersection of gender and disability" (Directorate-General for Internal Policies, 2013) recommended a legislative proposal to ban forced sterilization. Has this recommendation been followed up by the European Union?

Liberty of movement and nationality (art. 18)

21. Please explain what measures the European Union can take to ensure, for nationals of a European Union member State who are persons with disabilities, equal opportunities, and equal access to and effective enjoyment of all rights, after they have moved to another member State. What measures is the European Union taking in particular to ensure that persons with disabilities can transfer their social protection, disability and personal assistance benefits to another member State in order to exercise their freedom of movement?

Living independently and being included in the community (art. 19)

22. Please explain how European funding, especially the European Structural and Investment Funds, is used to ensure, protect and promote the inclusion of persons with disabilities in their local communities. How are representative organizations of persons with disabilities involved in the policymaking for, and the implementation, monitoring and evaluation of, that funding?

23. In 2012, the European Union Agency for Fundamental Rights published a report on the right to independent living. Please indicate what measures were taken to carry out, as recommended in the report, deinstitutionalization efforts and reforms in the areas of education, health care, employment, culture and support services (ibid., para. 106).

Personal mobility (art. 20)

24. Please indicate what practical initiatives the European Union is taking to secure spontaneous and independent travel for persons with disabilities, as well as assistance and accompanying persons free of charge, at the local, regional, national and international levels.

25. Please explain how the European Union is systematically monitoring and following up on the implementation of all directives and regulations on air, rail, bus and coach passengers, and on sea and inland waterways, by member States and operators?

Freedom of expression and opinion, and access to information (art. 21)

26. Please indicate what the current legal status of Braille and sign language is in the European Union and its member States.

Education (art. 24)

27. Please indicate what practical initiatives the European Union has taken to ensure that the funding instruments and actions of member States aimed at fulfilling the education targets within the Europe 2020 strategy promote inclusive quality education. In what way are representative organizations of persons with disabilities involved in the monitoring at the European Union and member State levels?

28. Please clarify whether there are disability-specific indicators in the Europe 2020 strategy for the target on education.

Health (art. 25)

29. Please explain how the European Union can prevent disability-based discrimination in health-care service provision and ensure the training of health-care professionals on the human rights of persons with disabilities, in the light of its shared competences with the European Union member States in the field of health care.

Habilitation and rehabilitation (art. 26)

30. Please explain what measures the European Union can take to ensure equal access to habilitation and rehabilitation services for nationals of a European Union member State who are persons with disabilities, after they have moved to another member State.

Work and employment (art. 27)

31. Please provide precise data on the amount of money invested in wage subsidies for workers with disabilities employed in the open labour market; in workplace adaptations in the open labour market; and in the hiring of workplace assistants for workers with disabilities employed in the open labour market.

32. Please indicate what practical steps the European Union has taken to ensure that persons with disabilities are prioritized in all European Union policymaking and policy implementation in respect of employment, such as the Europe 2020 strategy and the European Union funding instruments, and that the effect is measured in a comparative way across the European Union member States.

Adequate standard of living and social protection (art. 28)

33. Please provide data on the effects that the international financial crisis and the austerity measures taken have had on the daily life of persons with disabilities in European Union member States.

34. Please provide information on programmes aimed at reducing poverty among persons with disabilities, especially women, girls and boys with disabilities.

Participation in political and public life (art. 29)

35. Please indicate what measures the European Union takes to ensure that all European Union citizens with disabilities enjoy the equal right to vote in and stand for elections at the European parliamentary level.

Participation in cultural life, recreation, leisure and sport (art. 30)

36. Please provide the intended timescale for accession by the European Union to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, which facilitates access to published material for blind persons, persons with visual impairments and persons with other difficulties in having access to printed materials; please also provide information on measures to ensure the effective implementation of the Treaty.

C. Specific obligations

Statistics and data collection (art. 31)

37. Please indicate what steps the European Union and its competent institutions, including Eurostat (such as in the European Union Statistics on Income and Living Conditions), are taking to implement the Convention and its human rights-based approach to disability in the collection of data in all areas of life.

International cooperation (art. 32)

38. Please explain how the European Union ensures that all European Union international cooperation policies and programmes, including in the areas of development, humanitarian assistance and disaster risk reduction, are inclusive of and accessible to all persons with disabilities.

Implementation and monitoring (art. 33)

39. Please explain how the current European Union monitoring framework is considered an independent monitoring mechanism in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), in particular in terms of its criteria for independence and allocation of sufficient financial and human resources.

40. Please provide information on the extent to which persons with disabilities and their representative organizations have been actively involved in all processes of implementation, monitoring and evaluation of the Convention in the European Union.

D. Compliance of European Union institutions with the Convention (as public administrations)

General obligations (art. 4)

41. Please comment on the results of the planned equality and diversity audit of selection processes. Has a formal reasonable accommodation policy for persons with disabilities been adopted?

Equality and non-discrimination (art. 5)

42. Please describe the European Parliament criteria for assessing the reasonableness and proportionality of accommodation measures, which are included in its draft internal

rules. Please inform the Committee about how employees of European Union institutions who are parents of children with disabilities are protected against discrimination in all its forms.

Accessibility, freedom of expression and opinion; access to information (arts. 9 and 21)

43. Please indicate the timetable for ensuring the full accessibility of all official European Union websites and other communication channels.

Education (art. 24)

44. Please provide information on quality inclusive education programmes available for children with disabilities who are members of families of European Union civil servants and who attend European schools.

Work and employment (art. 27)

45. Please indicate the percentage of persons with disabilities employed within European Union institutions, and whether there is any specific policy concerning their employment.